

JS 44C/SDNY  
REV. 5/2010

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

10CV5216  
Pawley

PLAINTIFFS	DEFENDANTS
CVI GVF (Lux) Master S.a.r.l.	Lehman Brothers Holdings Inc., et al.
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)
Faegre & Benson LLP, 90 South Seventh Street, Suite 2200 Minneapolis, MN 55402, Phone: (612) 766-7000	Weil Gotschal & Manges LLP, 767 Fifth Avenue New York, New York 10153, Phone: (212) 310-8000
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE) (DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)	
28 U.S.C. § 158; appeal from Order of Bankruptcy Court denying plaintiff's request to treat its proofs of claim as timely.	

Has this or a similar case been previously filed in SDNY at any time? No?  Yes?  Judge Previously Assigned N/A

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

(PLACE AN  IN ONE BOX ONLY) NATURE OF SUIT 08-13555 # 9374

## ACTIONS UNDER STATUTES

	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<b>STATE REAPPORTIONMENT</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 422 APPEAL 28 USC 158	[ ] 410 ANTITRUST
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 423 WITHDRAWAL 28 USC 157	[ ] 430 BANKS & BANKING
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 430 COMMERCE	[ ] 450 DEPORTATION
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 369 LIQUOR LAWS	[ ] 460 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	[ ] 470
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 370 OTHER FRAUD	[ ] 480 CONSUMER CREDIT	[ ] 490 CABLE/SATELLITE TV
[ ] 151 MEDICARE ACT	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 490 SELECTIVE SERVICE	[ ] 510 SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 355 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 520 SOCIAL SECURITY	[ ] 550 CUSTOMER CHALLENGE
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[ ] 561 HIA (1395ff)	[ ] 575 CHALLENGE
[ ] 160 STOCKHOLDERS SUITS			[ ] 562 BLACK LUNG (923)	[ ] 580 12 USC 3410
[ ] 190 OTHER CONTRACT			[ ] 563 DWIC/DIWV (405(g))	[ ] 590 OTHER STATUTORY ACTIONS
[ ] 195 CONTRACT PRODUCT LIABILITY			[ ] 564 SSID TITLE XVI	[ ] 591 AGRICULTURAL ACTS
[ ] 196 FRANCHISE			[ ] 565 RSI (405(g))	[ ] 592 ECONOMIC STABILIZATION ACT
	ACTIONS UNDER STATUTES		[ ] 570 FAIR LABOR STANDARDS ACT	[ ] 593 ENVIRONMENTAL MATTERS
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	[ ] 572 LABOR/MGMT RELATIONS	[ ] 594 ENERGY ALLOCATION ACT
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 573 LABOR/MGMT REPORTING & DISCLOSURE ACT	[ ] 571 IRS-THIRD PARTY	[ ] 595 FREEDOM OF INFORMATION ACT
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	[ ] 574 RAILWAY LABOR ACT	[ ] 580 TAXES (U.S. Plaintiff or Defendant)	[ ] 596 APPEAL OF FEE DETERMINATION
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 575 OTHER LABOR LITIGATION	[ ] 581 26 USC 7609	[ ] 597 UNDER EQUAL ACCESS TO JUSTICE
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 576 EMPL RET INC SECURITY ACT		[ ] 598 CONSTITUTIONALITY OF STATE STATUTES
[ ] 245 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 577 MOTIONS TO VACATE SENTENCE		
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 578 HABEAS CORPUS		
	[ ] 440 OTHER CIVIL RIGHTS	[ ] 579 DEATH PENALTY		
		[ ] 580 MANDAMUS & OTHER		
		[ ] 581 CIVIL RIGHTS		
		[ ] 582 PRISON CONDITION		
		[ ] 583 HABEAS CORPUS- ALIEN DETAINEE		
		[ ] 584 OTHER IMMIGRATION ACTIONS		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND:  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2a. Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 11	DEF <input type="checkbox"/> 11	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 13	DEF <input type="checkbox"/> 13	INCORPORATED <u>and</u> PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 15	DEF <input type="checkbox"/> 15
CITIZEN OF ANOTHER STATE	PTF <input type="checkbox"/> 12	DEF <input type="checkbox"/> 12	INCORPORATED <u>or</u> PRINCIPAL PLACE OF BUSINESS IN THIS STATE	PTF <input type="checkbox"/> 14	DEF <input type="checkbox"/> 14	FOREIGN NATION	PTF <input type="checkbox"/> 16	DEF <input type="checkbox"/> 16

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

CVI GVF (Lux) Master S.a.r.l., 12700 Whitewater Drive, Minnetonka, MN 55343

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

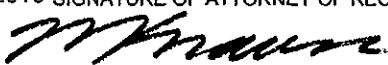
Lehman Brothers Holdings Inc., 745 Seventh Avenue, New York, NY 10019

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION.)

DATE July 8, 2010 SIGNATURE OF ATTORNEY OF RECORD



ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO  
[ ] YES (DATE ADMITTED Mo. April Yr. 1998)  
Attorney Bar Code #MK-9699

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)